IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.27 of 2006

India Infoline Securities Pvt. Ltd. ...Petitioner.

vs.

1. Mr.Vijesh Kumar and another. ...Respondents.

Mr.Dipen Merchant with Mr.Ravi Hegde i/b. Shaunak Satpute & Co., for the Petitioner.

Mr.V.K.Rambhadran with Ms.Baam, for Respondent no.2.

CORAM: D.K.DESHMUKH,J.

DATED: 27th March, 2006.

P.C.:-

1. This is a petition filed under Section 34 of the Arbitration and Conciliation Act,1996. The only ground of challenge is that the Arbitrator of the Delhi Stock Exchange has no jurisdiction to make the Award. But the admitted position is that the first statement of defence was filed by the petitioner which is at page 42 of the petition i.e. "Exhibit I" and in that first statement of defence, there is no objection raised to the jurisdiction of the Arbitrator. In view of the provisions of sub-section (2) of Section 16 of the Act, an objection to the jurisdiction

of the arbitrator which is raised after filing first statement of defence, cannot be entertained. Therefore, the challenge to the Award on the ground of objection to the jurisdiction of the learned Arbitrator, has no substance. The petition is therefore, disposed of.